

REMARKS

Applicants acknowledge with thanks the Examiners withdrawal of rejections as summarized in paragraphs 3 through 5 of the Action. All of the claim stand rejected under 35 USC 112 as failing to comply with the written description requirement of the statute. The Examiner has expressed the view that Applicants did not have support in original claim 7 for adding to claim 1 the language that at least one of the "azinyl" complex groups have substituent groups joined to form a fused ring. The Examiner notes that the original claim 7 speaks only to pyridyl groups with substituent groups joined to form a fused ring. Applicants acknowledge that the amendatory language, when added to claim 1, might be construed as broadening based on original claim 7 only. However, the present specification provides for the possibility of two substituents joining to form a ring such as a fused ring unless otherwise provided. (Page 12/31 to 13/1). It is believed that this provides clear written descriptive support for the scope of claim 1. It also appears that azinyl groups other than pyridinyl are shown in Inv-6, Inv-13, and Inv-16 as one of the bis-azinyl groups contain two nitrogen atoms. It is believed that the language is therefore sufficiently descriptive of the scope of the invention.

The Examiner has also rejected certain of the claims over U.S. Patent 6,661,023 on the basis of Double Patenting. It is believed that there is no overlap in the claims of this application and the cited patent. Looking at Claims 1 and 14 of the present application, it is noted that the complex is a bis(azinyl)methene boron complex group. Formula (1) in claim 14 shows "Y" attached to a methene group. In contrast, the patent claim 1 refers to a bis(azinyl)amine ligand and formula (1) in the patent contains a third nitrogen atom as an "amine" ring member rather than the "methene". Accordingly, it is believed that the Double Patenting rejection is improper and should be withdrawn.

In view of the foregoing remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and to pass this application to allowance.

Respectfully submitted,



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